

TELLY SAVALAS ARMSTRONG,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

The Court does not have jurisdiction to adjudicate Petitioner’s motion for relief under Rule 60(b). Generally, an appeal confers jurisdiction on the court of appeals and divests the district court of control over those aspects of the case involved in the appeal. United States v. Modanlo, 762 F.3d 403, 408 (4th Cir. 2014). A district court does not regain jurisdiction until the issuance of the mandate by the appellate court. Id. As such, the Court will dismiss Petitioner’s Rule 60(b) motion without prejudice so that Petitioner may refile it should his appeal be unsuccessful.

IT IS, THEREFORE, ORDERED that Petitioner's "Petition Pursuant to Rule 60(b)(6)"
[Doc. 19] is **DISMISSED WITHOUT PREJUDICE**.

Signed: April 2, 2020

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

